REMARKS/ARGUMENTS

These remarks are made in response to the Office Communication of April 29, 2005 (Office Action). As this response is timely filed within the three-month shortened statutory period, no fee is believed due.

Citing a new reference, U.S. Published Patent Application No. 2002/0061099 to Hayashi, et al. (Hayashi), the Examiner rejected Claims 1, 2, 4-12, and 14-20 under 35 U.S.C. § 102(e). The Examiner rejected Claims 3 and 13 under 35 U.S.C. § 103(a), as being unpatentable over Hayashi in view of U.S. Patent No. 6,631,186 to Adams, et al. (Adams).

Applicants' invention predates the effective date of Hayashi (November 15, 2001). Applicants herewith submit Declarations under 37 C.F.R. § 1.131, together with a copy of the Applicants' Confidential Invention Disclosure, No. BOC8-2001-0009 (Disclosure), titled "Method and Apparatus for Negotiated Message Delivery and Conferencing," which was submitted to International Business Machines (IBM) Corporation Attorneys/Patent Professionals. Based on these documents, it is established that the invention was conceived at least as early as February 5, 2001, the date the Disclosure was submitted to the IBM Attorneys/Patent Professionals. It is further established on the basis of the Declarations and Disclosure that the inventors worked diligently with outside counsel through the intervening period up to February 25, 2002, the filing date of the present application.

IBM has established internal procedures governing the use of such IBM disclosures from its inventors. The procedures preclude substantive modifications to a disclosure subsequent to the disclosure's submission to an IBM Attorney/Patent Professional. An IBM disclosure is a standardized document utilized by IBM and submitted by its inventors upon their conception of an invention. The document management system under which IBM confidential disclosure forms are generated

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does not permit amendments to be made to the form once it has been completed. Instead, any changes and/or additions are appended as an attachment to an IBM confidential disclosure form together with the date the attachment was added. No such attachment accompanies the instant Disclosure, thus establishing that the Disclosure has not been substantively amended since its submission on February 5, 2001.

The present application, including each claim, was prepared based upon Applicants' Disclosure. Moreover, according to IBM's established procedures governing the use of such disclosures, the inventors reviewed the application prior to its submission to the U.S. Patent and Trademark Office so as to insure that the claims and material contained therein were fully supported by the Disclosure. Each of the claims in the application are fully supported by Applicants' Disclosure. For example, claim 1 includes the limitations shown below, which include annotations (in bold) showing a disclosure section that supports the corresponding limitation.

1.   *A method of message delivery comprising:*

registering a plurality of reception states for a receiving party, wherein said reception states specify conditions for establishing communications links with receiving party addresses via at least one alternate communication channel different from a communication channel associated with a first initiated communications link between a sending party and the receiving party; **(Page 1, paragraph 1 - page 2, paragraph 1; page 2, paragraphs 4 and 5; see especially, page 3, in its entirety; FIG. 1)**

identifying a receiving party address from the first initiated communications link; **(Page 3, in its entirety; FIG. 1)**

determining reception state data specified by said plurality of reception states according to said receiving party address; and **(page 2, paragraphs 4-6; page 3, in its entiregy; FIG. 1)**

presenting said reception state data to the sending party. **(page 2, paragraphs 4 and 5; page 3, in its entirety; FIG. 1)**

Applicants further exercised due diligence from prior to the effective date of Hayashi (November 15, 2001) until February 25, 2002, the filing date of the application, by working first with IBM Attorneys/Patent Professionals and then with outside counsel. IBM's established procedures governing inventor disclosures show Applicants' diligence following conception of the invention. Under the internal procedures established by IBM, an IBM inventor's disclosure form, once completed, is reviewed by an invention review board within IBM to determine whether to prepare an application based upon the submitted disclosure. Upon reaching a decision to prepare an application, outside counsel is selected to prepare the application. Instructions, together with the IBM invention disclosure form, are conveyed to the outside counsel. The outside counsel prepares a draft of the application that is iteratively reviewed by each inventor until such time that the inventors are satisfied that the application sufficiently details the inventive concepts detailed in the disclosure, at which time the application is expeditiously filed with the USPTO. An IBM confidential disclosure form provides the information necessary for outside legal counsel to prepare an appropriate patent application when combined with information known by those of skill in the art.

The period between February 5, 2001 and February 25, 2002 was a time period in which outside counsel was drafting the present application and iteratively reviewing and revising the drafted application with the inventors until it was finalized for submission. Outside counsel for Applicants draft many applications for many different clients. In drafting applications, Applicants' outside counsel establishes a queue of applications that, unless expedited preparation is needed, are generally handled on a "first-in / first out" basis based upon the workload of drafters

having expertise in the area of the patent. This it should be noted is a standard industry practice regarding the preparation of patents.

The activity above (reasonable time spent drafting and reviewing a patent application) fall within the legal requirements for a showing of diligence. Applicants have included the following documents as proof of the aforementioned activity for purposes of showing diligence.

- February 20, 2001 – Correspondence from IBM requesting undersigned outside counsel prepare the instant patent on their behalf;

- March 14, 2001 – Correspondence from undersigned outside counsel to IBM confirming that undersigned outside counsel would prepare the application for the client;

- January 25, 2002 – Correspondence from undersigned counsel conveying draft of patent application for Applicants' review ;

- February 8, 2002 – Electronic correspondence from Applicants providing inventor comments to the draft application sent to undersigned outside counsel;

- February 18, 2002 – Electronic correspondence from staff for outside counsel requesting information for formal documents (assignment and declaration) to the inventors;

- February 18, 2002 – Electronic correspondence showing the submission of a second patent draft to the Applicants for review;

Applicants respectfully submit that because Applicants conceived of the present invention before the effective date of Hayashi, and exercised due diligence from a time prior to the effective date to the filing date, Hayashi should be withdrawn as a reference for purposes of 35 U.S.C. § 102(e). Given that the rejection of each claim is based upon Hayashi or a combination including Hayashi, the withdrawal of

Hayashi establishes that the prior art provides no basis for rejecting claims 1-20.

Accordingly, Applicants respectfully request that the rejections of Claims 1-20 be

withdrawn.

Respectfully submitted,

Date: _July 29, 2005_

Gregory A. Nelson, Registration No. 30,577
Richard A. Hinson, Registration No. 47,652
AKERMAN SENTERFITT
Customer No. 40987
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000
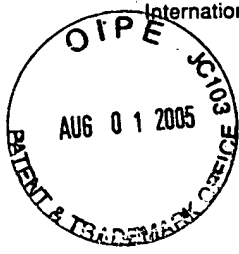
International Business Machines Corporation

P.O. Box 1328
Boca Raton, Florida 33429-1328
407 / 443-2000

6169-238

February 20, 2001

Ackerman, Senterfitt
222 Lakeview Avenue
Fourth Floor
West Palm Beach, FL 33402

REF: Invention Disclosure: BOC8-2001-0009
        Title: METHOD AND APPARATUS FOR NEGOTIATED MESSAGE DELIVERY
                AND CONFERENCING
        IBM Docket: BOC9-2001-0002

Dear Steve,

Please prepare and file the above referenced case with the U.S. Patent and Trademark Office. A copy
of the invention disclosure and technical evaluation are enclosed for your preparation of the
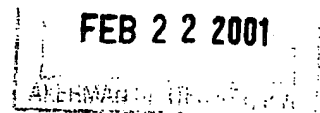applications in accordance with IBM's format.

Sincerely,

Richard A. Tomlin
Consulting Attorney

Enclosures

DOCKETED

FEB 2 2 2001

AKERMAN SENTERFITT

ATTORNEYS AT LAW

222 LAKEVIEW AVENUE, SUITE 400
WEST PALM BEACH, FLORIDA 33401
PHONE (561) 653-5000 • FAX (561) 653-5333
http://www.akerman.com

March 14, 2001

Richard A. Tomlin, Esq.
IBM Corporation
1798 NW 40th Street
Internal Zip 2106
Boca Raton, FL 33431

Re: New Patent Application
METHOD AND APPARATUS FOR NEGOTIATED MESSAGE DELIVERY
AND CONFERENCING
IBM Docket No. BOC9-2001-0002; Our Docket No. 6169-238

Dear Dick:

Thank you for your letter dated February 20, 2001. In accordance with your instructions, a patent application will be filed in the above-referenced matter on or before August 20, 2001. Notwithstanding, we will strive to prepare the patent application in an expedient manner.

As always, thank you for allowing us to be of assistance to you.

Very truly yours,

AKERMAN SENTERFITT

Steven M. Greenberg

SMG/kmw

cc: Gregory A. Nelson, Esq.

AKERMAN, SENTERFITT & EIDSON, P.A.
FORT LAUDERDALE • JACKSONVILLE • MIAMI • ORLANDO • TALLAHASSEE • TAMPA

AKERMAN SENTERFITT

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January 25, 2002

Mr. Greg P. Fitzpatrick
IBM Corporation
7 Campus Circle
Roanoke, TX 76262

      Re: New Patent Application
            METHOD AND APPARATUS FOR CONDITIONAL MESSAGE DELIVERY
            IBM Docket No.: BOC9-2001-0002; Our Docket No.: 6169-238

Dear Greg:

      Enclosed please find a draft of a patent application for the above-identified matter. Please review it carefully to ensure that the description of the invention accurately recites all of the invention's characteristics in the broadest possible manner, while also explaining, in detail, the preferred embodiment of the invention. The drawings should also be reviewed to confirm that they accurately depict the various details of the invention as you understand them. Finally, please read through the numbered claims at the end of the application. The claims will define the scope of protection any patent issuing from this application will provide. Accordingly, you should review them to ensure that they do not unduly restrict the scope of the invention by including any unnecessary detail. After you have reviewed the application, please call me with any comments you may have.

      Please recall that patent applicants have a duty to disclose to the United States Patent Office all reasonably pertinent prior art of which they are aware. Failure to do so can jeopardize the validity of any patent issuing from an application. Accordingly, should you become aware of such references at any time during the pendency of this application, please let us know.

                          Very truly yours,

                          AKERMAN SENTERFITT

                          Kevin T. Cuenot

KTC/aa
Enclosures

cc: Mr. David B. Lebowitz (w/enclosures)
       Mr. James J. Toohey (w/enclosures)

WP075253;1

Alaine Allison - Reponse to draft of IBM docket No. BOC9-2001-0002, a/k/a6169-238

From: "Greg Fitzpatrick" <gfitz@us.ibm.com>
To: <kcuenot@akerman.com>
Date: 2/8/2002 4:53 PM
Subject: Reponse to draft of IBM docket No. BOC9-2001-0002, a/k/a6169-238

Kevin, great job on this first draft of the this patent application. After conferring with the
other inventors, we've agreed that only 2 changes need to be made

1) Page 8, line 2-6 implies speech-to-text conversion, etc. This disclosure did not deal with
content transforms of this sort. Rather, it was up to the user to change devices, so any reference
to this type of conent conversion is probably not warranted.

2) Our original disclosure contained a figure that we feel should be included for clarity, in addition
to Figures 1 and 2. This should be included only to make the novel aspects (and flow from Initiator
to Receiver) clearer but should *not* affect the claims, as they are comprehensive as they stand.
I'm including it here in several different formats for your convenience.

Let me know if you have questions. As far as we are concerned, with these changes you can
send the final version to Elaine for filing. Thanks.

(See attached file: Conditional.PRZ)(See attached file: conditional.jpg)
(See attached file: conditional.ppt)

Greg Fitzpatrick
I/T Architect
IBM Sales & Distribution
Global e-business Solution Center (GeSC)
Dallas, Texas
817-962-3910 (tie-line 522-3910)
http://w3-1.ibm.com/support/stss/gesc.html
mobile: 817-938-6497
gfitz@us.ibm.com

From: Alaine Allison
To: gfitz@us.ibm.com
Date: 2/18/02 4:03PM
Subject: Inventor Information Request

Dear Mr. Fitzpatrick:

In order to accurately prepare formal documents for filing with the patent application for BOC9-2001-0001 (6169-238). please confirm the following information:

Gregory P. Fitzpatrick:
1527 Sweetgum Circle
Keller, TX 76248-3208
Tarrant County - US citizen

David B. Lebowitz:
8524 Grand View Drive
North Richland Hills, TX 76180
Tarrant County
US Citizen

James J. Toohey:
3343 N.W. 28th Avenue
Boca Raton, FL 33434
Palm Beach County
US Citizen

Thank you for your attention to this request. Please feel free to call me if you have any questions whatsoever.

Alaine Allison
Secretary to Kevin T. Cuenot
Akerman, Senterfitt & Eidson, P.A.
222 Lakeview Avenue, Suite 400
West Palm Beach, FL 33401
Ph: 561-653-5000, ext. 3434
Fax: 561-659-6313
Email: aallison@akerman.com
Web: www.akermanIP.com

CC: Cuenot, Kevin T.; eventure@us.ibm.com

From: Alaine Allison
To: gfitz@us.ibm.com
Date: 2/18/02 5:51PM
Subject: BOC9-2001-0002 Patent Application

RE: New Patent Application
METHOD AND APPARATUS FOR NEGOTIATED MESSAGE DELIVERY
IBM Docket No. BOC9-2001-0002; Our Ref: 6169-238

Dear Greg:

Enclosed please find for execution a final draft of the above-identified patent application, the Declaration and Power of Attorney, the Assignment, and the Oath and Assignment for the Republic of China. Please review the patent application prior to executing the enclosed documents as we have made minor edits to the patent application. After your review, if the patent application accurately recites all of the invention's characteristics, please sign and date the enclosed documents where indicated and instruct the other inventors to do the same. Please note that pursuant to IBM's request, all of the signatures must be contained on the same page(s). In addition, pursuant to IBM's request, we must receive the originally executed Oath and Assignment for the Republic of China. Once the documents are fully executed, please fax the documents to me at 561-659-6313 along with mailing the originals to the address listed above.

Please feel free to contact Mr. Cuenot if you should have any questions or comments.

Very truly yours,

AKERMAN SENTERFITT

Sent on Behalf of
Kevin T. Cuenot

Alaine Allison
Secretary to Kevin T. Cuenot
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CC: Cuenot, Kevin T.; eventure@us.ibm.com

ɬ'49-238

Disclosure BOC8-2001-0009
Prepared for and/or by an IBM Attorney - IBM Confidential

Created By: Jim Toohey   **Created On:** 02/05/2001 07:41:11 PM
Last Modified By: Elaine Venturelli   **Last Modified On:** 02/16/2001 12:48:41 PM

Required fields are marked with the asterisk (*) and must be filled in to complete the form .

*Title of disclosure (in English)

Method and Apparatus for Negotiated Message Delivery and Conferencing

Summary

Status	Under Evaluation
Processing Location	BOC
Functional Area	Global Sales Operation & Technical Support (Butler) Div 91
Attorney/Patent Professional	Richard Tomlin/Boca Raton/IBM
IDT Team	Jim Toohey/Fort Lauderdale/IBM
Submitted Date	02/15/2001 07:09:34 PM EST
Owning Division	SDG
Incentive Program	
Lab	
Technology Code	
PVT Score	No PVT score has been calculated.To calculate a PVT score, press the 'Calculate' button.

Inventors with Lotus Notes IDs

Inventors: Jim Toohey/Fort Lauderdale/IBM, Greg Fitzpatrick/Roanoke/IBM, David Lebowitz/Dallas/IBM

Inventor Name	Inventor Serial	Div/Dept	Inventor Phone	Manager Name
> Toohey, James J.	774361	91/ZK1A	599-5629	Bubash, Tanya E.
Fitzpatrick, G.P. (Greg)	602615	91/FGBA	522-3910	Clipp, J.R. (Ron)
Lebowitz, David B.	745379	91/FGBA	522-6769	Clipp, J.R. (Ron)

> denotes primary contact

Inventors without Lotus Notes IDs

IDT Selection
*Main Idea
1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

When Party A (initiator) calls or sends a message to Party B (receiver), current practices and protocols call for Party A to think about what Party B might be doing and whether or not Party B is in a receptive state at the moment. Party B, on the other hand, generally is in either an "I'm receiving/answering" mode or in an "I'm not receiving/answering" mode. This leaves Party A guessing and Party B in a binary state, which

often leads to Party A taking the wrong action and/or Party B being misrepresented.

Presented, is a system that enables Party B to establish numerous conditional receptive states and also allows Party A to be informed of them, thereby giving Party A information about how to proceed. This technique applies for any type of electronic real-time contact, whether it is a phonecall, electronic message, online chat, or any other similar method. Further, when a single service provides multiple communication vehicles (e.g., voice, fax, on-line chat, and e-mail), this technique can be applied uniformly to the multiple vehicles, or, at Party B's discretion, different conditional receptive states can be established for each of the communication vehicles and be used in various combinations.

2. How does the invention solve the problem or achieve an advantage,(a description of "the invention", including figures inline as appropriate)?

Detailed Description:

Current practice and protocol for the sending and receiving of calls and messages allow for the intended receiver to be either available and receiving or unavailable and not receiving. In the latter case, there are a limited number of choices for disposition of the transmittal. For example, the initiator may recognize the receiver is not receiving and terminate the attempt, or the initiator may be directed to a mailbox. Some systems allow an alternate means of delivery such as via a page notification or a FAX. (Screening of calls, or being hidden in an online chat system, are just special cases in which the receiver is generally unavailable but decides to change states and become available based on certain information (e.g., the identity of the initiator)).

The limitations of today's systems are obvious. When the receiver is not available, the initiator has few choices. He can try later, but doesn't know how much later; he can leave the message in a mailbox, but won't know if or when it is received; he can try an alternate means of delivery, but again won't know if or when it is received. The receiver, on the other hand, also has few choices. Essentially, he can choose to answer the call or receive the message, direct the transmittal elsewhere, or simply not be available.

It would be far more efficient, productive, and satisfying if there were a way for the intended receiver to portray his status conditionally. For example, during the business day, the receiver might want to be available for business transmissions and emergencies from his spouse, but not for social calls or messages. At night, the same person might want to be available for social calls and messages but not for business transmissions. Usually, the receiver would like the system to make his status known to initiators. Further, it would be extremely useful for the initiator to know the conditional status of the intended receiver. With this information, he could decide if it was appropriate for the transmittal to proceed then and there, or if it should wait until a more appropriate time.

The system becomes even more useful when multiple communication vehicles are involved and conditional receptive states are established for them in varying combinations. Then, we could have, for example, conditions where the receiver is available for business fax transmittals during the entire business day but not at night, business calls only from 9:00AM to 12:00PM and from 2:00PM to 5:00PM, page notifications of any type all the time, social calls between the hours of 6:00PM and 11:00PM, etc. The receiver establishes the conditions; the system portrays them to the initiator; the initiator decides how to proceed.

Furthermore, the same principles can be applied to group messaging (e.g., three-way calls, chat rooms). They can even be applied when the parties are using different communications vehicles (e.g., one is on a phone; the other is on a computer with the computer or system using speech-to-text conversion).

The Method:

Presented is a method by which receivers can establish and make available their conditional status

and by which initiators can obtain that status and act appropriately because of it. The system consists of these essential elements:

- the receiver's status which can be simple or complex and take into account all kinds of conditions
  The receiver may want to accept voice calls from his boss but not electronic messages; he may want to not be disturbed during lunch nor at night, except for family emergencies; he may want to be available to his broker at all times; he may want these conditions adjusted when he travels to reflect the time zone where he is, etc. He may want different conditions to apply to different communication vehicles. And, he may want to do all this in varying combinations.

- the mechanism or tool by which the receiver establishes and maintains his status
  There are numerous ways in which this can be done. Some examples include: using a set of rules written in a scripting language; running an intelligent agent; or, having the system interpret one's online calendar.

- the presentation of the receiver's status to the initiator of the call or message
  This, too, can be selective and simple, or complex. For example, in a simple case, the receiver might be available for business calls from 8:00AM to 5:00PM Monday through Friday but not at other times. A caller would be presented with that information and decide if he should proceed then and there with the call. Or, the receiver might be available to a limited number of people trying to reach him in selected ways at certain times for specific reasons. In this more complex case, the system determines who the initiator is (via caller id or similar function) time of day, etc. and presents the appropriate status to the initiator. (An implementation option if for the system to not present all of the receiver's conditional status, only that part of it pertaining to this particular transmittal.)

- the mechanism by which the initiator tells the system that he has considered the receiver's status and wants to proceed.
  There are many ways to implement this. One example would be, on a voice call, a system prompt asking for the response to be indicated via pushbuttons on the phone pad. Another example would be, on a messaging system, to do it programmatically via a Graphical User Interface (GUI) with icons to indicate the response.

With these elements, the initiator is enabled to initiate a transmittal and intelligently decide if now is a good time for the receiver to take it. The flow is straightforward using these steps which are enumerated on Figure 1:

1. The receiver uses the provided mechanism or tool to establish his status, which may include multiple conditional varying combinations of status applied to multiple communication vehicles.
2. The initiator initiates a transmittal.
3. The system portrays the receiver's status to the initiator. (Here, there are numerous implementation options of how much information is portrayed and in what format.)
4. The initiator makes a determination of how to proceed and does so.
5. If he quits, tries later, or tries an alternate means of delivery, this flow is completed.
6. If he decides to proceed, he employs the system provided mechanism to indicate he is doing so having been informed of the receiver's status.
7. With that, the system will complete the transmittal to the receiver.
8. Finally, the receiver receives the message.

If more than two parties are involved, the method can be repeatedly applied to include each participant one at a time. One party plays the role of the initiator and the other plays the role of the receiver. To add a third party, either of the first two can be the initiator in adding the third who would play the role of the receiver. It should also be observed that the third party could play the role of the initiator with either of the others, in the same way. Further repeat the process to add subsequent participants.

 Printed 02/19/2001 at 12:22:39 PM

It should be apparent now, that employing this method yields a more satisfactory and efficient communication mechanism than traditional methods.

Figure 1 is attached here --> NegotiatedMessage.PRZ

3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better?
Others have attempted to solve the problem but they do it in specialized or restrictive ways. AOL, for example, with its Instant Messenger, or Microsoft with MSN's Messenger, allow a logged-in user to set any of several status's: online, away, busy, on the phone, etc. Anyone wishing to initiate contact with the target person may take this into account first. However, our solution is different and more widely applicable because:

- Our method applies to the multiple media types that one person might be using (computer, fax, phone) all at the same time when service is provided by one service provider.
- Our method works for more than two people connecting.
- It is a feature of our method that it applies to multiple media types, not just limited to computer (as AOL) or phone.
- The mechanism for establishing one's status can be a toolkit, intelligent agent, etc; not just a checklist.

4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation.
It has not been implemented.

*Critical Questions (Questions 1-9 must be answered)

---

*Question 1
On what date was the invention workable? 02/05/2001 **Please format the date as MM/DD/YYYY**
(Workable means i.e. when you know that your design will solve the problem)

---

*Question 2
Is there any planned or actual publication or disclosure of your invention to anyone outside IBM?   ○ Yes ● No

If yes, Enter the name of each publication or patent and the date published below.
Publication/Patent:
  Date Published or Issued:

Are you aware of any publications, products or patents that relate to this invention?   ○ Yes ● No

If yes, Enter the name of each publication or patent and the date published below.
Publication/Patent:
  Date Published or Issued:

---

*Question 3
Has the subject matter of the invention or a product incorporating the invention been sold, used internally in manufacturing, announced for sale, or included in a proposal?   ○ Yes ● No

---

Is a sale, use in manufacturing, product announcement, or proposal planned?	○ Yes ● No

If Yes, identify the product if known and indicate the date or planned date of sale, announcements, or proposal and to whom the sale, announcement or proposal has been or will be made.
  Product:
Version/Release:
    Code Name:
        Date:
      To Whom:
If more than one, use cut and paste and append as necessary in the field provided.

---

*Question 4

Was the subject matter of your invention or a product incorporating your invention used in public, e.g., outside IBM or in the presence of non-IBMers?

If yes, give a date. **Please format the date as MM/DD/YYYY**	○ Yes ● No

---

*Question 5	○ Yes ● No

Have you ever discussed your invention with others not employed at IBM?

If yes, identify individuals and date discussed. Fill in the text area with the following information, the names of the individuals, the employer, date discussed, under CDA, and CDA #.

---

*Question 6	○ Yes ● No ○ Not sure

Was the invention, in any way, started or developed under a government contract or project?

If Yes, enter the contract number

---

*Question 7	○ Yes ● No ○ Not Sure

Was the invention made in the course of any alliance, joint development or other contract activities?
If **Yes**, enter the following (**in English**):

	Name of Alliance, Contractor or Joint Developer
	Contract ID number
	Relationship contact name
	Relationship contact E-mail
	Relationship contact phone

---

*Question 8	○ Yes ● No

Have you, or any of the other inventors, submitted this same invention disclosure or similar invention disclosure previously?

If Yes, please provide disclosure number below:

---

*Question 9	○ Yes ● No

Are you, or any of the other inventors, aware of any related inventions disclosures submitted by anyone in IBM previously?

If Yes, please provide the docket or disclosure number or any other identifying information below:

Question 10
What type of companies do you expect to compete with inventions of this type? *Check all that apply.*

☒ Manufacturers of enterprise servers

☐ Manufacturers of entry servers

☐ Manufacturers of workstations

☐ Manufacturers of PC's

☐ Non-computer manufacturers

☐ Developers of operating systems

☒ Developers of networking software

☒ Developers of application software

☒ Integrated solution providers

☒ Service providers

☐ Other (Please specify below)

Question 11
If the invention relates to a product or service that is outside the scope of your business unit, please recommend IBM business unit(s), IBM location(s) or individual(s) within IBM that you think would provide a good evaluation of your invention:

**Patent Value Tool (Optional - this may be used by the inventor and attorney to assist with the evalua
Post Disclosure Text & Drawings**

(Form Revised 12/17/97)

Flow Diagram for Negotiated Message Delivery and Conferencing

Party A
Initiator

Party B
Receiver

① Receiver establishes status via system tools and informs system

② Initiator transmits message to Receiver

System provided tools for indicating status

③ System returns Receiver's status to Initiator

④ Initiator interprets status and decides how to proceed

⑤ Quit

⑤ Try later

⑤ Try alternate delivery method

Communication System

⑥ Proceed now. Initiator incorporates system mechanism into message for Receiver and transmits to system

⑦ System transmits message to Receiver
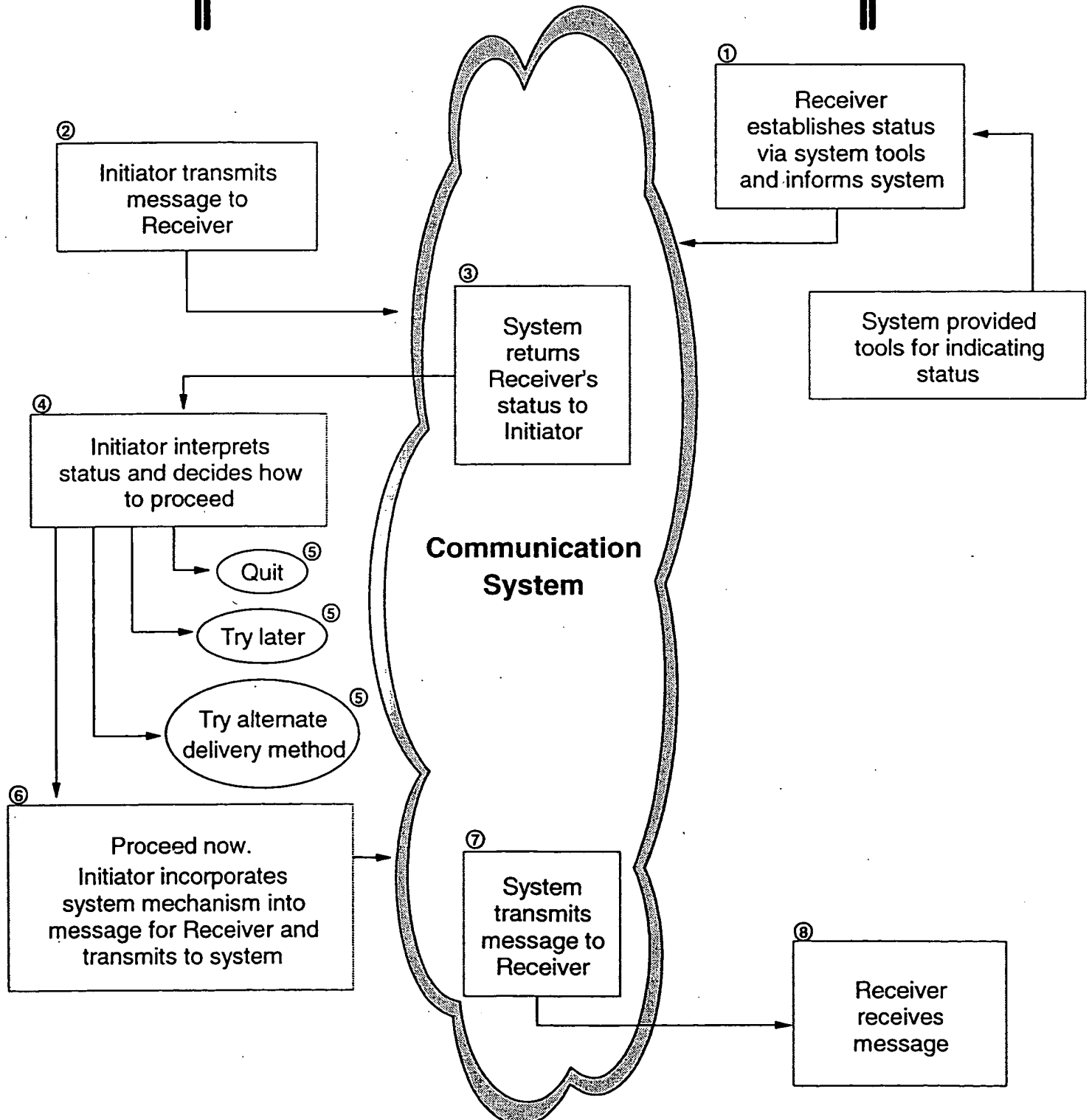
⑧ Receiver receives message

Figure 1

NMD.prz

IP&L Disclosure Evaluation: BOC8-2001-0009

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By: Jim Toohey   **Created On:** 02/16/2001 10:28:04 PM
Last Modified By: Jim Toohey   **Last Modified On:** 02/16/2001 10:33:00 PM

Required fields are marked with the asterisk (*) and must be filled in to complete the form .

Title of disclosure	

Method and Apparatus for Negotiated Message Delivery and Conferencing

Response Due to IP&L: 03/16/2001	Evaluation Submitted : 02/16/2001

Evaluation Instructions

FACTOR 1 - TECHNICAL CONTRIBUTION (Consider all Known publications/products - IBM and External)	◯ Subject Matter not new ● Minor Variation from Known technology ◯ Significant Departure from Known technology ◯ Major Advance in technology
Reason (s) for above Answer (please specify any technology known to the inventor or the evaluator and explain its relevance)	Personalization of this sort does exist today but is quite limited. This is a superior method.

FACTOR 2 - CHARACTER OF PROBLEM SOLVED	◯ No real problem existed ◯ Minor problem. Suitable alternatives available ● Significant problem. Alternatives have drawbacks ◯ Major problem. No feasible alternatives
Explain the problem , including describing alternatives and their drawbacks , and any advantages of this invention . What is the most important aspect of the disclosure and the most important advantages/disadvantages in your view?	Today's messaging techniques can be quite disruptive. This invention eases that to a great extent.
Do others beside IBM face the problem?	● Yes ◯ No
Why so ?	Anyone who does any sort of electronic messaging faces the same problems.

FACTOR 3 - USE BY IBM	◯ Unlikely ● Possible ◯ Probable ◯ Definite
Reason(s) for above answer : (Be specific . If use is Probable or Definite, specify product, version etc.)	May be deployed in a messaging solution.

FACTOR 4 - USE BY OTHERS	◯ Unlikely ● Possible ◯ Probable ◯ Definite
Reason(s) for above answer : (If use is Probable or Definite, please specify why the innovation will be used by others, which type of companies and which type of products).	It solves problems they have, too.

FACTOR 5 - DISCOVERY OF NON-IBM (NI) USE

◯ NI must admit use for IBM to know
◯ "Teardown" of NI product would be necessary
◯ Careful analysis of NI product or manual required
● Use obvious to casual observer

Reason(s) for above answer (how would we detect use of invention by others)?	The customization and interactions are at the end user level.

FACTOR 6 - ADEQUACY OF DESCRIPTION	◯ Inadeqate. Invention unclear from description
	◯ Incomplete.Invention aspect poorly described or obscure
	◯ Further clarification or implementation detail needed
	● Clear and complete as is
Reason(s) for above answer.	Very clearly written.

FACTOR 7 - PEOPLE CONSULTED	
Inventors (s)	◯ Yes ● No
If "No" , please give the reason(s) why inventor(s) were not consulted.	
Name others consulted:	
Discussed evaluation and recommendation with inventors?	◯ Yes ● No

Evaluator Recommended Decision : ◯ Close ◯ Publish ● Search

Close: A patent would probably have little licensing value or IBM's freedom of use is already assured or is not   important

Publish: A patent would probably have limited licensing value to IBM but freedom of use should be preserved.

Search: A patent on this subject could have significant licensing value. IPLaw should provide an option on patentability and portfolio value and a recommendation whether to file a patent application.

☐ Additional Search Info:This disclosure should be MERGED before searching and filing with disclosure (s)

Comments (Note : Limit your comments to technical/business issues)

(Form Revised 12/17/97)

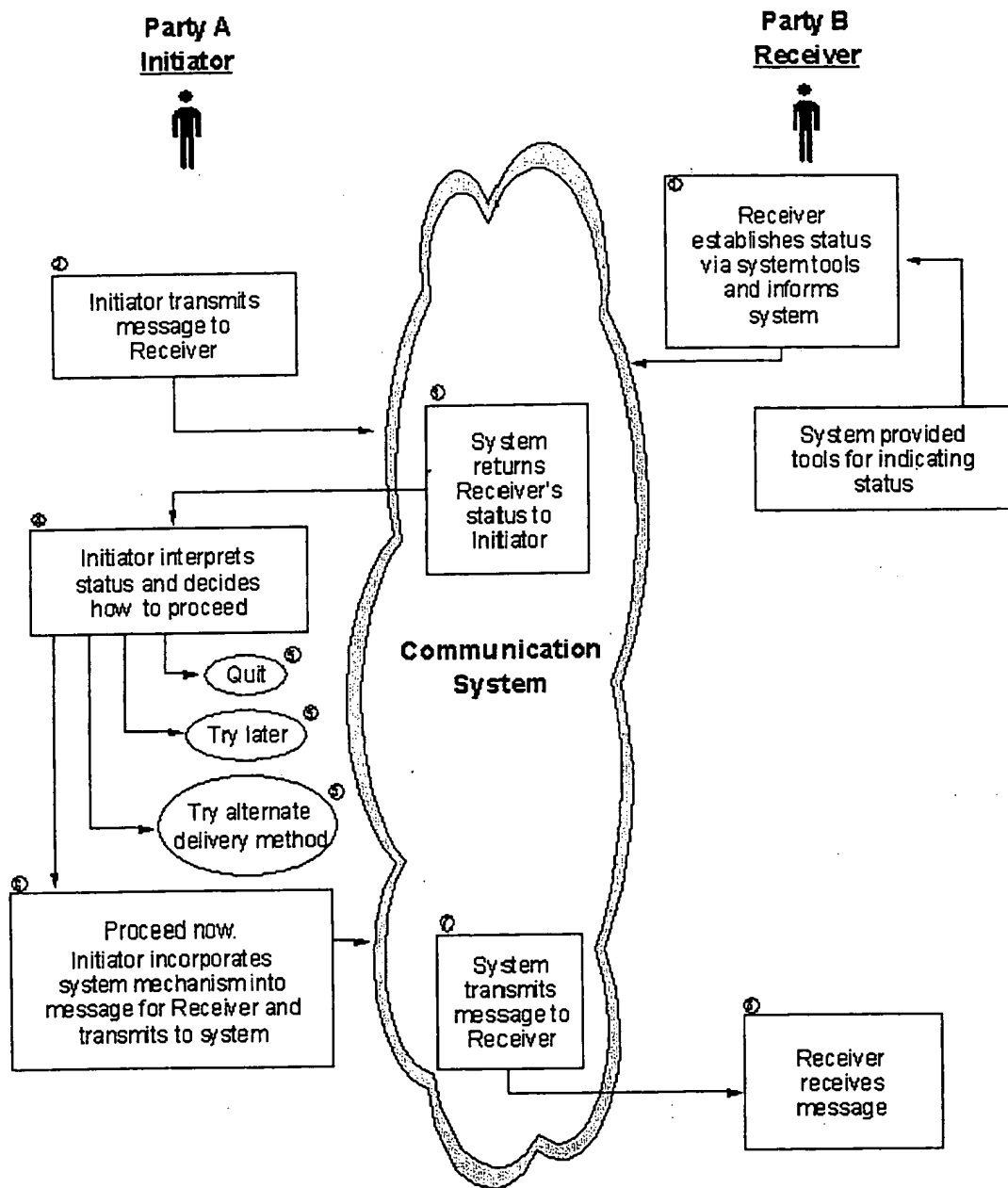# Flow Diagram for Negotiated Message Delivery and Conferencing

Party A
Initiator

Party B
Receiver

Initiator transmits message to Receiver

Receiver establishes status via system tools and informs system

System returns Receiver's status to Initiator

System provided tools for indicating status

Initiator interprets status and decides how to proceed

Quit

Try later

Try alternate delivery method

Communication System

Proceed now. Initiator incorporates system mechanism into message for Receiver and transmits to system

System transmits message to Receiver

Receiver receives message

Figure 1